

## **REMARKS**

Claim 11 is pending in this application.

The Applicant gratefully acknowledges the Examiner's assistance in preparing this second amendment after final rejection. In particular, the Examiner extended great courtesy to Attorney for Applicants in a teleconference on March 4, 2004. The present amendments to the claims are specification correspond to the agreement reached during that teleconference. Thus, Applicants respectfully submit that this Application is in condition for allowance.

A substitute Specification is enclosed. The Examiner objected to the prior version (filed on September 29, 2003) for various informalities. In particular, the Examiner maintained her objection to the specification because at least one sequence in the specification was not in the Sequence Listing for this application. In compliance with 37 CFR 1.821 - 1.825, the substitute specification identifies all sequences with a SEQ. ID. NO.

Per the Examiner's request, the first paragraph of the specification indicates that the parent patent application 08/930,917 has issued as U.S. Patent No. 6,146,635. SEQ. ID. NOs. 27 and 28 have been added to the specification in the Brief Description of the Drawings (pg. 11, Fig. 9A). Also, "SEQ. ID. NO. 1" has been removed from page 16, line 4.

In addition, a new Sequence Listing for this application is enclosed herewith. The CRF copy and the paper copy are identical. No new matter has been added.

Per the Examiner's request, for ease of reference, attached hereto is Chart A that relates the sequences in the parent application to the sequences in the present application.

Claim 11 stands rejected under 35 U.S.C. 112. Claim 11 is rejected because the deposit date for the claimed hybridoma is not provided. Moreover, the Examiner asserts that claim 11 is vague in the recitation of "the stabilizer peptide produced from the first 47 amino acids of the N-terminal end of the P64K antigen of *Neisseria meningitides* B:4:P1.15. The Examiner questions the particular length of the stabilizer peptide. In light of the foregoing amendment to claim 11, the Applicants respectfully submit that the §112 rejections of claim 11 are now moot and should be withdrawn.

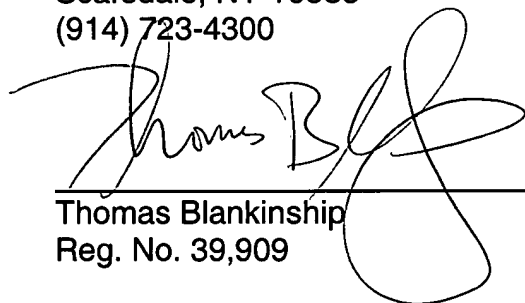
Enclosed is a Receipt in the Case of an Original Deposit from the BCCM™/LMBP evidencing that hybridoma 448/30/7, which is identified under accession number LMBP 6047CB, was received on September 24, 2003. In addition, enclosed is a Viability Statement identifying LMBP 6047CB as a viable microorganism. The deposit was made under the provisions of the Budapest Treaty. Access to the deposit will be available during pendency of the patent application making reference to the deposit to one determined by the Commissioner to be entitled thereto under § 1.14

and 35 U.S.C. 122. All restriction upon public access to the deposit will be irrevocably removed upon the grant of a patent on this application. The deposit will be replaced if viable samples cannot be dispensed by the depository as required.

Applicants respectfully request favorable consideration and that the claims of this application be passed to allowance.

Date: March 19, 2004

Respectfully submitted,  
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# CHART A

Currently submitted Sequence Listing For 09/612,925	Corresponding Sequence in Parent US 6146635
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	1
11	2
12	3
13	4
14	5
15	6
16	7
17	8
18	9
19	10
20	11
21	12
22	13
23	14
24	15
25	16
26	17
27	18
28	19
29	20
30	21
31	